

These companies offer what are called energy saving performance contracts which provide private sector expertise to assess what energy saving technologies are most cost effective, provide nongovernmental financing to make the improvements, install and maintain the equipment, and guarantee that energy savings will be achieved.

Agencies pay for the service over time using the energy costs they have saved—if they do not see the saving they do not pay for the service—it's that simple, that's the guarantee.

This type of contract is used every day in the private sector and State and local government facilities. For instance, Honeywell Corp. has entered into these energy-saving arrangements with over 1,000 local school districts nationwide, allowing schools to reinvest \$800 million in savings in critical education resources rather than continuing to pay for energy waste.

Unfortunately, even though Congress first authorized Federal agencies to take advantage of this innovative business approach in 1986, agencies have been dragging their heels.

To help get things moving, the Department of Energy recently prepared streamlined procedures to encourage their use.

Now is the time for Congress to put the agencies feet to the fire on financial reform of Government energy waste. Agencies must enter into these partnerships with the private sector.

That's why, today, I am introducing an amendment calling for the agencies to reduce Government energy costs by 5 percent in 1996. I'm also asking that agencies report back to us by the end of 1996 to ensure that they have actually taken action to reduce their energy costs.

You know, we are often called upon up here to make really hard controversial decisions that please some and anger others. This is a winner for everyone. If 1,000 local school boards have examined it and are reaping the savings, I say it's about time we got our Nation's biggest energy waster on track too.

With this one, simple reform, we will create thousands of job and business opportunities in every one of our States, improve the environment by reducing air pollution, and save ourselves hundreds of millions of dollars every year, at no up-front cost to taxpayers.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 1944

Mr. HATFIELD. Mr. President, I would like to propound a unanimous-consent agreement relating to a rescission package that has been here before the Senate. I understand that it has been agreed to by the parties involved and the leadership on both sides of the aisle.

Mr. President, I ask unanimous consent that following the disposition of the legislative appropriations bill, the

Senate turn to the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding education funding, job training, and low-income energy assistance, on which there be a division, and each of the two divisions be limited to 1 hour each, to be equally divided in the usual form and with all time being used tonight except for 30 minutes under the control of Senators WELLSTONE and MOSELEY-BRAUN; and that at 10:10 a.m. the managers be recognized to utilize 20 minutes for debate to be followed by Senators WELLSTONE and MOSELEY-BRAUN to be recognized for their 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division, and that following that vote, the majority leader be recognized to exercise the same right with respect to placing the bill on the calendar, and if that action is not utilized, the Senate proceed immediately to a vote on passage of H.R. 1944.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. MACK. It is my understanding that there has been a request for a recorded vote. So I ask for the yeas and nays.

Mr. FORD. Mr. President, before we go to that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1803

The PRESIDING OFFICER. Without objection, the amendment, No. 1803, as amended, is agreed to.

So the amendment (No. 1803), as amended, was agreed to.

#### AMENDMENT NOS. 1806, 1828, 1829, 1830, 1831, AND 1832

Mr. MACK. Mr. President, I ask unanimous consent that the pending Specter amendment and the following five amendments, which I have sent to the desk on behalf of Senators DOLE, SIMON, LIEBERMAN, BINGAMAN, and myself be considered agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc.

So the amendment (No. 1806) was agreed to.

So the amendments (No. 1828, 1829, 1830, 1831 and 1832) were agreed to, as follows:

#### AMENDMENT NO. 1828

(Purpose: To retain the Capitol Guide Service and Special Services Office)

On page 27 of the bill, strike all between lines 1-25, and insert the following:

#### CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, \$1,628,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be used to employ more than thirty-three individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

#### SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, \$363,000, to be disbursed by the Secretary of the Senate.

#### AMENDMENT NO. 1829

(Purpose: To repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes)

At the appropriate place, insert the following new section:

#### SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

“(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—  
“(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or  
“(B) an evaluation of the character, loyalty, or suitability of such individual.”.

#### AMENDMENT NO. 1830

At the end of Sec. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

#### AMENDMENT NO. 1831

(Purpose: To add a general provision)

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress

not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

## AMENDMENT NO. 1832

On page 60, line 1, strike all through the period on line 17.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed immediately to vote on the passage of the bill with no other intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 1854), as amended, was passed.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will take this opportunity to congratulate the managers of the first appropriations bill to come to the floor, Senator MACK of Florida and Senator MURRAY of Washington State. We started them off here on the trail to sort of get a feel of the body in terms of acting on these appropriations measures. They have not only demonstrated the skill in putting the bill together in the committee framework, but certainly here managing on the floor.

Mr. President, this is a very tough year for the Appropriations Committee. It is a tough year for all Members, but especially the Appropriations Committee, because in effect we are playing the implementer, the mortician, the executioner, and many other roles in terms of the budget resolution and all the other various forces that are forcing Members to face up to some of these fiscal problems.

I hope that at an appropriate time we reconsider an action that would permit legislation on appropriations, because this type of legislation attracts all kinds of policy issues. It should not be on this bill or on any other appropriations bill. We must resist that effort on the floor and on the part of the committee. Since we found the test case, we will bring some more appropriations bills. But I want to thank these managers.

I have one further point to make, and that is when I visited Antarctica and was introduced to the culture of penguins, and one of the things about the culture was that there are seals, giants seals under the ice. The penguins go along the edge of the ice looking into the water to see if there are any seals there, and they are not certain by their vision. So pretty soon they nudge one

into the water, and if they swim away, there are no seals and the others jump in.

So to speak, an analogy can be drawn here tonight. We have had the seal test and it has passed well. I congratulate my colleagues.

Mr. MACK. Mr. President, I want to thank the chairman. At least, I think I want to thank the chairman for his remarks. I appreciate that and appreciate his assistance as we have begun this process.

I also want to thank Keith Kennedy and Larry Harris for the work they have done to prepare us and the bill and to assist as we move forward. And again, to Senator MURRAY, it has been a pleasure working with the Senator through conference and completing the bill.

Mrs. MURRAY. Mr. President, I, too, want to thank the appropriations chair, as well as the ranking member, Senator BYRD, who have been very helpful in this process, and in particular to thank the Senator from Florida, Senator MACK, for a job well done.

We have not agreed on every part, but he has been wonderful to work with and I appreciate his willingness to step down and go through this with me. I thank him, and Jim English, who worked with me.

I appreciate the opportunity to work with you on my first bill, Senator.

#### UNANIMOUS-CONSENT AGREEMENT—S. 1817

Mr. MACK. Mr. President, I ask unanimous consent that at 9 a.m. on Friday the Senate begin consideration of H.R. 1817, the Military Construction Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EMERGENCY SUPPLEMENTAL AP- PROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVER- Y FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995

The PRESIDING OFFICER. The clerk will report.

The assistant legislative read as follows:

A bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

## AMENDMENT NO. 1883

(Purpose: To strike certain rescissions, and to provide an offset)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself and Senator MOSELEY-BRAUN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1833.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 38, strike lines 24 and 25 and insert the following: "under this heading in Public Law 103-333, \$204,000 are rescinded: *Provided*, That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking "rescinded" the last place the term appears and inserting "rescinded, and an additional amount of \$319,000,000 is rescinded": *Provided further*, That of the funds made available".

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: "Public Law 103-333, \$1,125,254,000 are rescinded, including \$10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, \$2,500,000 for the School-to-Work Opportunities Act, \$4,293,000 for section 401 of the Job Training Partnership Act, \$5,743,000 for section 402 of such Act, \$3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, \$100,010,000 for carrying out title II, part C of such Act, \$2,223,000 for the National Commission for Employment Policy and \$500,000 for the National Occupational Information Coordinating Committee: *Provided*, That of such \$1,125,254,000, not more than \$43,000,000 may be rescinded from amounts made available to carry out part A of title II of the Job Training Partnership Act, not more than \$35,600,000 may be rescinded from amounts made available to carry out title III of the Job Training Partnership Act, and no portion may be rescinded from funds made available to carry out section 738 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That service delivery areas may".

On page 41, strike lines 6 through 11 and insert the following:

"Public Law 103-333, \$91,959,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II-B, \$29,000,000, title V-C, \$16,000,000, title IX-B, \$3,000,000, title X-D, \$1,500,000, title X-G, \$1,185,000, section 10602, \$1,399,000, and title XIII-A,".

Beginning on page 43, strike line 25 and all that follows through page 44, line 2, and insert the following: "Public Law 103-333, \$13,425,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III-B, \$5,000,000, title".

On page 107, line 21, (relating to the administrative and travel expenses of the Department of Defense) strike "\$50,000,000" and insert "\$382,342,000".

Ms. MOSELEY-BRAUN. Mr. President, I thank Senator WELLSTONE for starting this ball and getting this issue and debate going.

Frankly, in spite of the fact that I know there are a number of people who are concerned about this particular legislation and where it is going, I think it is absolutely regrettable that we are just taking up as important an issue as this at 10:55 p.m. on a Thursday night following a major debate around the legislative appropriations bill.